

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Wednesday, July 20, 2022

5:00 PM

COUNCIL CHAMBERS

LEGISLATIVE COMMITTEE

*Dennis Pfeiffer, Chairperson, Ward 8
Allie Herkenroder, Vice Chairperson, Ward 7*

*Eric Mays, Ward 1
Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5*

*Ladel Lewis, Ward 2
Judy Priestley, Ward 4
Tonya Burns, Ward 6*

Eva Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy City Clerk

ROLL CALL

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), two (2) minutes per speaker. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes.

ORDINANCES

- 220260** Amendment/Emergency Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article IV (Purchases)/Section 18-21.3 (Competitive Sealed Bidding -- Approval Thresholds)/Section 18-21-4(9) (Competitive Sealed Proposals -- Approval Thresholds)
- An emergency ordinance to amend Chapter 18 (Taxation; Funds; Purchasing), Article IV (Purchases), of the Code of the City of Flint by amending Section 18-21.3 (Competitive Sealed Bidding -- Approval Thresholds) and Section 18-21-4(9) (Competitive Sealed Proposals -- Approval Thresholds).
- 220295** Amended Ordinance/Chapter 50/PC-22-9/Jaycee LLC-Jeff Gappy/Rezoning/3402 Richfield Road/From 'D-3' to 'D-5'/Ward 4
- An amended ordinance to amend the Code of the City of Flint has been requested by Jaycee LLC-Jeff Gappy (PC-22-9) to change the district boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows: 3402 Richfield Road, Flint MI 48506, Parcel No. 47-33-452-052, legally described as ASSESSOR'S PLAT OF RICHFIELD WOODS LOTS 46 THRU U48 INCL; ALSO LOTS 50 THRU 57 INCL; ALSO LOT 49 EXC WLY 14FT; ALSO LOT 60 EXC ELY 128.5 FT; ALSO LOT 62 EX ELY 128.5 FT, from "D3" Community Business and future zoned "TN-2" Traditional Neighborhood to "D-5" Metropolitan Commercial Service. THE PLANNING COMMISSION RECOMMENDS DENIAL.

DISCUSSION ITEMS

ADJOURNMENT

220260

ORDINANCE NO. _____

An Emergency Ordinance to amend the Flint City Code of Ordinances by amending Chapter 18 (Taxation; Funds; Purchasing), Article IV (Purchasing), Section 18-21.3 (Competitive Sealed Bidding - Approval Thresholds) and Section 18-21.4(9) (Competitive Sealed Proposals - Approval Thresholds).

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That, pursuant to §3-307 of the Flint City Charter, an emergency exists affecting life, health and property exists in that proper City Council oversight be provided for the purchasing of all goods and services in light of a \$15,000,000 City of Flint deficit. The Code of Ordinances requires revision in order to cap spending to provide mandatory and transparent financial management.

Sec. 2 That Chapter 18 (Taxation; Funds; Purchasing), Article IV (Purchasing), §18-21.3 (Competitive Sealed Bidding - Approval Thresholds) and §18-21.4 (Competitive Sealed Proposals - Approval Thresholds), be amended as follows:

§18-21.3 COMPETITIVE SEALED BIDDING

(8) APPROVAL THRESHOLDS. The Purchasing Director, in consultation with the Department Head, shall jointly recommend the award of a bid under this section. If the bid award is for less than \$20,000, the

~~decision of the Purchasing Director shall be final. If the recommended award is in excess of \$20,000, it shall also be approved by the Finance Director; if in excess of \$30,000, it shall also be approved by the City Administrator; and, if in excess of \$50,000, it shall also be approved by the Mayor. Any recommended award in excess of \$75,000 shall also be approved by the City Council.~~ ALL SUPPLIES AND CONTRACTAL SERVICES IN EXCESS OF \$10,000.00, EXCEPT AS PROVIDED OTHERWISE HEREIN, SHALL NOT BE MADE BY ANY DEPARTMENT HEAD, THE PURCHASING DIRECTOR/MANAGER, THE FINANCE DIRECTOR (CHIEF FINANCIAL OFFICER), THE CITY ADMINISTRATOR, OR THE MAYOR EXCEPT UPON APPROVAL OF THE CITY COUNCIL.

§18-21.4 COMPETITIVE SEALED PROPOSALS

(9) APPROVAL THRESHOLDS. The Purchasing Director, in consultation with the department head, shall evaluate the proposals and recommend award of the contract under this section. If the recommended award is for less than \$20,000, the decision of the Purchasing Director shall be final. If the recommended award is in excess of \$20,000, it shall also be approved by the Finance Director; if in excess of \$30,000, it shall also be approved by the City Administrator; and, if in excess of \$50,000, it shall also be approved by the Mayor. Any recommended award in excess of \$75,000 shall also be approved by the City Council. ALL SUPPLIES AND CONTRACTAL SERVICES IN EXCESS OF \$10,000.00,

EXCEPT AS PROVIDED OTHERWISE
HEREIN, SHALL NOT BE MADE BY ANY
DEPARTMENT HEAD, THE
PURCHASING DIRECTOR/MANAGER,
THE FINANCE DIRECTOR (CHIEF
FINANCIAL OFFICER), THE CITY
ADMINISTRATOR, OR THE MAYOR
EXCEPT UPON APPROVAL OF THE CITY
COUNCIL.

Sec. 3 This ordinance shall
become effective immediately upon
publication, and shall automatically be
repealed as of the sixty-first (61st) day after
its enactment.

Adopted this _____ day of

_____, 2022.

APPROVED AS TO FORM:

William Kim, City Attorney

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

220295

ORDINANCE NO. _____

A Proposed ordinance to amend Chapter 50 of the Code of the City of Flint has been requested by Jaycee LLC – Jeff Gappy (PC 22-9) for a rezoning change for the property at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052).

The Planning Commission recommends **DENIAL** of a Zoning Ordinance map amendment concerning this property located in WARD 4.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the code of the City of Flint is hereby amended to change the district boundaries or regulations established in Chapter 50 thereof, specifically allowing under 50-4 a zoning map amendment, as follows:

3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052) legally described as ASSESSOR'S PLAT OF RICHFIELD WOODS LOTS 46 THRU U48 INCL; ALSO LOTS 50 THRU 57 INCL; ALSO LOT 49 EXC WLY 14FT; ALSO LOT 60 EXC ELY 128.5 FT; ALSO LOT 62 EX ELY 128.5 FT zoned "D-3" Community Business and future zoned "TN-2" Traditional Neighborhood to "D-5" Metropolitan Commercial Service.


Sec. 2. This ordinance shall take effect on the ___ day of _____, 2022 A.D.

Approved this ___ day of _____, 2022 A.D.

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



William Kim (Jul 13, 2022 13:53 EDT)
William Kim, City Attorney

CITY COUNCIL:

City Council



CITY OF FLINT

RESOLUTION STAFF REVIEW FORM

TODAY'S DATE: 7/5/2022

BID/PROPOSAL# n/a

AGENDA ITEM TITLE: RESOLUTION RECOMMENDING DENIAL FOR A REZONING CHANGE FOR THE PROPERTY AT 3402 RICHFIELD RD. (PARCEL ID# 47-33-452-052) FROM D-3 COMMUNITY BUSINESS TO D-5 METROPOLITAN COMMERCIAL SERVICES.

PREPARED BY Suzanne Wilcox, Director of Planning and Development (Please type Name, Department, Phone Number)

VENDOR NAME: n/a

BACKGROUND/SUMMARY OF PROPOSED ACTION:

At its meeting on June 28th, 2022, the Flint Planning Commission DENIED the submitted request for a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services (PID# 47-33-452-052) based on the recommendations and information provided by Zoning staff (see attached staff report). The applicant, Jaycee LLC/Jeff Gappy, requests a rezoning to use the property for self-storage. Prior to the rezoning request, the applicant requested a use-variance from the Zoning Board of Appeals to allow for self-storage, this request was denied during the May 18th, 2021, meeting. The applicant stated in their application that the property has been vacant for over ten years. The applicant believes that a self-storage business would service the needs of the neighborhood tenants and businesses.

FINANCIAL IMPLICATIONS: No financial implications

BUDGETED EXPENDITURE? YES [] NO [X] IF NO, PLEASE EXPLAIN: n/a

Table with 5 columns: Dept., Name of Account, Account Number, Grant Code, Amount. Includes a row for FY19/20 GRAND TOTAL.

PRE-ENCUMBERED? YES [] NO [X] REQUISITION NO:

ACCOUNTING APPROVAL: n/a Date:



CITY OF FLINT

FINANCE APPROVAL: n/a Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO
(If yes, please indicate how many years for the contract) YEARS

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: (This will depend on the term of the bid proposal)

BUDGET YEAR 1

BUDGET YEAR 2

BUDGET YEAR 3

OTHER IMPLICATIONS (i.e., collective bargaining): none

STAFF RECOMMENDATION: (PLEASE SELECT): APPROVED NOT APPROVED

DEPARTMENT HEAD SIGNATURE: Suzanne Wilcox, Director, Dept. of Planning and Development
(PLEASE TYPE NAME, TITLE)

CITY ADMINISTRATOR APPROVAL: CLYDE D EDWARDS
CLYDE D EDWARDS (Jul 13, 2022 17:13 EDT)

SUBMIT TO:
 City of Flint
 Zoning Office
 1101 South Saginaw Street Rm. S105
 Flint, MI 48502
 810.766.7355
 Fax: 810.766.7249 www.cityofflint.com

For Office Use Only
 Case No. PC 22-09
 Date Rec'd 5-6-2022
 Meeting Date 6-28-2022

APPLICATION FOR FLINT PLANNING COMMISSION

Concerning a request to amend, supplement, or change the district boundaries of regulations established in Chapter 50, commonly referred to as the Zoning Ordinance of the City of Flint.

Application Filing Fee due at time of submission. Fees are non-refundable.

To be completed by applicant:

<u>Applicant/Agent</u>			<u>Property Owner (if different than Applicant)</u>		
Name <u>GMD Consulting, LLC (Agent) Joe DiSanto</u>			Name <u>Jaycee, LLC</u>		
Address <u>2289 7th Street</u>			Address <u>142 E. Walled Lake</u>		
<u>Wyandotte</u>	<u>Mi</u>	<u>48192</u>	<u>Walled Lake</u>	<u>MI</u>	<u>48290</u>
(City)	(State)	(Zip)	(City)	(State)	(Zip)
Telephone <u>734 341-4873</u> Fax _____			Telephone <u>310 883 4928</u> Fax _____		
Email <u>jdisanto@sbcglobal.net</u>			Email <u>jeffgappy@gmail.com</u>		

Requested Action and Non-refundable Filing Fee:

- | | |
|--|--|
| <input type="checkbox"/> Street Name Change - \$1,002.00 | <input type="checkbox"/> Street/Alley Vacations - \$1,002.00 |
| <input checked="" type="checkbox"/> Rezoning - \$1,253.00 | <input type="checkbox"/> Conditional Use - \$1,002.00 |
| <input type="checkbox"/> Conditional Rezoning - \$1,002.00 | <input type="checkbox"/> Special Regulated Use - \$1,002.00 |

Information regarding the site:

Street Address 3426 Richfield Road

Major Cross Streets _____

Parcel No. 47 33 452 052 Current Zoning District ~~D3~~ & ~~D-3~~ D-3

Current Use Vacant Retail

Information regarding request:

Proposed Use Enclosed self storage / climate control self storage Proposed Zoning District D5

Explain Request (On Page 2)

Explain Request: We will to covert existing vacant retail center into a self stroage facility. Units will constructed within the exting structure and newly drive up units will be constructed on the existing parking lot infrastructure. The current center has been vacate with no prespective retail tenants. The proposed use has generates low traffic impact and would service the needs of the surrounding residents and businesses.

PROPERTY OWNER MUST ATTEND PLANNING COMMISSION MEETINGS OR BE REPRESENTED BY A PERSON WITH NOTORIZED LETTER OF REPRESENTATION TO ACT ON BEHALF OF OWNER.

I hereby affirm that the above information is correct to the best of my knowledge and grant permission for City Officials and or City Staff to conduct an on-site inspection.

Signature of Property Owner: Jeff Gappy Print Name: Jeff Gappy Date: 5-6-22
Signature of Applicant: Jeff Gappy Print Name: JEFF GAPPY Date: 5-6-22

----- For Office Use Only ----->

June 28th, 2022
Date Planning Commission Hearing is Scheduled

May 27th, 2022
Date notice of Planning Commission meeting published

May 29th, 2022
Date notice of Planning Commission meeting was mailed to property owners/occupants within 300ft of parcel

Planning Commission Decision:

- Approved
- Denied
- Approved as Amended
- Other: _____

Remarks:



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

STAFF REPORT (PC 22-9)

DATE: May 20, 2022

TO: City of Flint Planning Commission

STAFF REPORT BY: Bill Vandercook, Zoning Coordinator

ADMINISTRATIVE DEPT: Department of Planning and Development

SUBJECT: PC 22-9: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. (PID 47-33-452-052)

LOCATION: Richfield Rd. & N. Term St.

AFFECTED WARD: Subject site is located in Ward 4.

PERTINENT SECTION OF THE ORDINANCE: Chapter 50 - Article XI – D-5 Metropolitan Commercial-Service District

EXISTING LAND USE PATTERNS:

North- Commercial
East- Commercial
South- Residential
West- Commercial

EXISTING ZONING PATTERNS:

Subject Property – D-3 (Community Business)

North- C-2 (Highway Commercial – Charter Township of Genesee, Michigan)
East- D-3 (Community Business)
South- A-2 (Single Family Medium Density)
West- D-3 (Community Business)

BACKGROUND

The applicant, Jaycee LLC/Jeff Gappy, requests a rezoning from D-3 to D-5 at 3402 Richfield Rd. The applicant intends to redevelop the property for a self-storage facility. Self-storage facilities require properties to be in the D-5, D-6, E, F, or G, zoning districts.

The subject property is surrounded by D-3 zoned properties to the east and west. To the south, the property abuts the A-2 single family medium density residential zoning district. To the north, the Charter Township of Genesee, Michigan has a highway commercial zoning district.

On May 8, 2021, the applicant presented a use variance to the Zoning Board of Appeals to be allowed to operate a storage facility business in the "D-3" Community Business District. Commissioner Jerry Kea made a motion to approve ZBA 21-2252 on the condition that: 1) the

facility is completely enclosed with a security fence equipped with barbed wire on top; 2) security and lighting are included in the infrastructure upgrades that the applicant has spoken to. It complies with standard two based on the fact that it is the minimum variance necessary to provide adequate relief. It complies with standard four, based on the fact that the zoning ordinance unreasonably restricts the property from being used to its full potential, which is not a hardship created by the property owners, but was created by the City of Flint. This motion was not support.

Commissioner Yelle made a motion to deny ZBA 21-2252 based on findings that the property is zoned D-3 where the applicant wants to do a D-5 business. This motion was supported and carried 7 yes – 3 no. Minutes from this meeting are provided with this application's materials.

APPLICANT REQUEST:

The applicant requests to rezone the property from the current zoning district D-3 to the proposed zoning district D-5. The applicant states that the property has been vacant for over ten years and that the rezoning will allow for the redevelopment of this parcel into self-storage. Additionally, the applicant shared that the property has been marketed for retail, to no avail.

The D-5 district permits any use in the D-3 District as well as:

- **D-4 district uses**, which include office buildings, printing, light manufacturing, residential uses of any kind provided that such use does not occupy the ground floor, clubs and lodges.
- **C-2 district uses**, which include multifamily housing and institutional uses by-right, and hotels, offices, clinics, funeral homes, and mobile home parks as conditional land uses.
- **D-5 district uses**, which include automotive service and repair, rental, and sales; manufacturing, provided such use shall not occupy any ground floor street frontage, schools, wholesale and warehouses, laboratories, and studios.
- **Group B Special Regulated Uses**, which include pawnshops, liquor stores, and tattoo parlors.
- **Group E Special Regulated Uses**, which include marihuana provisioning, retail, & secure transport.
- **Group G Special Regulated Uses**, which include marihuana micro businesses.

STAFF RECOMMENDATION AND COMMENTS:

Staff recommends denial of this rezoning request. Rezoning this parcel would not be in line with the current Master plan, or Zoning code. Under current zoning the property is zoned D-3 and future zoned "TN-2 – Traditional Neighborhood", which does not permit self-storage facilities. In the future master plan, self-storage facilities are a permitted use within the "CC – City Corridor" zoning district.

The purpose and intent of the TN-2 Traditional Neighborhood-Medium Density:

The TN-2 Traditional Neighborhood district is intended to accommodate neighborhoods of moderate density, where single-family homes are located upon lots comparable in dimension to those typically found in the community's older established neighborhoods. Single-family homes are the predominant use, but two-family and single-family attached development is also permitted. Various non-residential uses that complement the traditional neighborhood including schools, community centers, religious institutions, and parks are permitted on a limited scale.

Rezoning this parcel would be considered spot zoning which is not conducive under the City of Flint Current Master Plan or Zoning Code or Future Master Plan and proposed Zoning Code.

According to Brad Neumann, Michigan State University Extension - June 17, 2016: "illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:

- The area is small compared to districts surrounding the parcel in question.
- The new district allows land uses inconsistent with those allowed in the vicinity.
- The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
- The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.

Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone"



CITY OF FLINT

FLINT PLANNING COMMISSION
ROBERT WESLEY, CHAIRMAN

July 5th, 2022

GMD Consulting, LLC
2289 7th Street
Wyandotte, MI 48192

RE: Planning Commission Public Hearing Action Notification

PC 22-9: Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052).

At its meeting on April 12th, 2022, the Flint Planning Commission **DENIED** PC 22-9 Jaycee, LLC/Jeff Gappy, requests a rezoning from D-3 Community Business to D-5 Metropolitan Commercial Services at 3402 Richfield Rd. Flint, MI 48506 (PID 47-33-452-052) based on the staff recommendations and information provided by Zoning staff.

If you have any questions, please contact the Planning & Zoning Office at (810) 766-7426 ext. 3060

Sincerely,

William Vandercook
Zoning Coordinator
City of Flint – Planning & Zoning Division
1101 S. Saginaw St. Rm. S105
P: 810.766.7426 x.3060